

Meeting of 2005-3-8 Regular Meeting

MINUTES

LAWTON CITY COUNCIL REGULAR MEETING  
MARCH 8, 2005 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Pro Tem Randy Warren                      Also Present:  
Presiding                      Larry Mitchell, City Manager  
   John Vincent, City Attorney  
   Traci Hushbeck, City Clerk

Mayor Pro-Tem Warren called the meeting to order 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT:                      Bill Shoemate, Ward One  
   Glenn Devine, Ward Three  
   Robert Shanklin, Ward Five  
Jeffrey Patton, Ward Six  
   Stanley Haywood, Ward Seven

ABSENT:                      Mayor John P. Purcell, Jr.  
   Rex Givens, Ward Two  
   Amy Ewing-Holmstrom, Ward Four

AUDIENCE PARTICIPATION:

Brian Moss, 2510 NW Williams, expressed concern about cars illegally parked on the street in front of his home. He has called the police, but by the time they arrive the cars have been moved. He asked if no parking signs could be placed on his street and police officers patrol the area. He also witnessed, on numerous occasions, drivers speeding through the area. He said he would permit police officers to park in his driveway to catch the violators.

Mitchell stated he would pass along the complaint to the Police Chief.

Haywood stated that Mr. Moss home is in a Weed and Seed designated area and grant money is available for overtime for Police Officers.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETINGS OF FEBRUARY 22, 2005.

MOVED by Patton, SECOND by Haywood, to approve the Minutes of February 22, 2005. AYE: Haywood, Warren, Shoemate, Devine, Shanklin, Patton. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

MOVED by Devine, SECOND by Shoemate, to approve the Consent Agenda items as recommended. AYE: Warren, Shoemate, Devine, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Robert & Melody Eck in the amount of \$640.00, Department of the Army in the amount of \$642.70, Brenda Knoff in the amount of \$70.00, Charles Fertig in the amount of \$110.00, Rudi and Tiffani Southerland in the reduced amount of \$4,626.66 and Carlos Clark in the reduced amount of \$125.00; Exhibits: Legal Opinions/Recommendations; **Resolutions 05-29, 05-30 and 05-31**. Action: Approval of claims and resolutions.

2. Consider the following damage claims recommended for denial: Thuy Fox in the amount of \$44.06. Exhibits: Legal Opinions/Recommendations. Action: Denial of claim.

3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers Compensation case of James R. Hitchcock in the Workers Compensation Court, Case No. 2004-09861Q. Exhibits: **Resolution No. 05-32**.

4. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and

making payment of the judgment in the Workers Compensation case of Donald Gene McGee in the Workers Compensation Court, Case No. 2004-08176-J. Exhibits: **Resolution 05-33.**

5. Consider adopting a resolution approving a Joint Petition settlement in the Workers Compensation case of Douglas A. Wells. Exhibits: **Resolution No. 05-34.**

6. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers Compensation case of James Herbert Wilkinson in the Workers Compensation Court, Case No. 2003-11421R. Exhibits: **Resolution No. 05-35.**

7. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers Compensation case of Terry D. Sellers in the Workers Compensation Court, Case No. 2004-02418A. Exhibits: **Resolution No. 05-36.**

8. Consider approving the Retainer Agreement for Professional Services with Brenda Smith and authorize the Mayor and the City Clerk to execute the agreement. Exhibits: Professional Services Agreement. Action: Approval of item as stated.

9. Consider acknowledging the receipt of three (3) Quit Claim Deeds from the State of Oklahoma for the right-of-way for Quannah Parker Trailway from a point 1320 feet east of W. 82<sup>nd</sup> Street, westerly to the new U.S. Highway 62 re-alignment and from W. 52<sup>nd</sup> Street westerly to W. 112<sup>th</sup> Street. All of this right-of-way is located in Sections 19-21, Township 2 North, Range 12 West, situated in Comanche County, State of Oklahoma. Exhibits: Quit Claim Deeds and letter from Oklahoma Department of Transportation.

10. Consider adopting a street light resolution to authorize the removal of one street light and the installation of a street light at 1732 SW 14<sup>th</sup> Place, the installation of street light across from 1750 SW 14<sup>th</sup> Place and the installation of a street light across from 1714 SW 14<sup>th</sup> Place. Exhibits: Resolution No. 433.

11. Consider acknowledging the receipt of a permit from the Oklahoma State Department of Environmental Quality for the construction of 370 linear feet of eight (8) inch gravity sewer line and all appurtenances to serve the Comanche Elderly Retirement Community, City of Lawton, Comanche County, Oklahoma. Action: Acknowledge receipt of Permit No. SL000016041208.

12. Consider approving plans and specifications for the 2005 CIP Oil/Chip Street Project #2005-10 and authorizing staff to advertise for bids. Exhibits: Location Map & Commentary from December 14, 2004 City Council Agenda.

13. Consider approving plans and specifications for the Lake Helen Fish Habitat and Access Improvement Phase II Project #2004-12 and authorizing staff to advertise for bids. Exhibits: None.

14. Consider awarding a construction contract to Clayco Industries, Inc. dba Ford Roofing & Sheet Metal Co. for the WWTP Administration Building Re-roofing Project #2005-9. Exhibits: None.

15. Consider approving the following contract extensions: Sulfuric Acid (CL04-034) with Brenntag Southwest Water Treatment Plant; Jail Food and Supplies (CL04-050) with Wilson Wholesale Company, Inc. Police. Exhibits: None.

16. Consider awarding contract for a Three-Quarter Ton Cargo Van (CL05-035). Exhibits: Department recommendation and Abstract of Bids. Action: Award to Hudiburg Auto Group of Midwest City, OK.

17. Consider approval of appointments to boards, commissions. Exhibits: None.

#### HISTORIC PRESERVATION COMMISSION

King Wiggins

Term: 1/27/05 to 1/27/08

(Reappointment)

Alvis Kennedy

Term: 1/27/05 to 1/27/08

(Reappointment)

Dr. Karen Youngblood

Term: 3/8/05 to 3/8/08

(Replacing Don Smith who no longer wishes to serve)

LAWTON HUMAN RIGHTS & RELATIONS COMMISSION: Sharon Thompson, Fort Sill Representative, Indefinite Term

PARKS & RECREATION COMMISSION: Thomas Bell; Term: 3/8/05 to 1/1/07; Mayor s Appointment

WAURIKA MASTER CONSERVANCY DISTRICT BOARD: David R. Towe: Term: 3/8/05 to 2/6/08 (Filling unexpired term of J.C. Hester, who resigned)

18. Consider approval of payroll for the period of February 28 to March 13, 2005. Exhibits: None.

BUSINESS ITEMS:

19. Hold a public hearing, consider approving Change 1 to the Consolidated One-Year Action Plan for Federal Fiscal Year (FFY) 2003 and authorizing the Mayor and City Clerk to sign and execute all related documents required by U.S. Department of Housing and Urban Development (HUD) to implement the HOME Program. Exhibits: None

Tom Aplin, Assistant Director of Housing and Community Development requested a change 1 which will cancel the LUHA first time home buyer project for federal fiscal year 2003. It will transfer those funds to a community housing development project that will be conducted by Great Plains Improvement Foundation. LUHA does not intend to carry out any more home buyer activities under the LUHA homesteading agency. All of the properties purchased under the LUHA project will be turned over to homebuyers. They are trying to make better use of those funds.

Mitchell questioned how those funds will be used once they are transferred.

Aplin stated they will be used for the demolition and construction of a single family residence that will serve as transitional housing.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Devine, SECOND by Shoemate, to approve Change 1 to the Consolidated One-Year Action Plan for Federal Fiscal Year (FFY) 2003. AYE: Devine, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

20. Hold public hearings and adopt resolutions declaring the structures at: 911 SW F Avenue (Voluntary), 907 NW Gore Boulevard, 2501 SW A Avenue, 2402 SW Cornell Avenue, 401 SW Summit Avenue, 4608 SW H Avenue, 24-26 NW 24<sup>th</sup> Street, 2012 SW McKinley Avenue to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public s health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Eight Resolutions.

911 SW F Avenue: Melissa Laycock, Neighborhood Services Supervisor, presented photographs of the property. She stated the property owner requested the property be declared dangerous and dilapidated in order to take advantage of the decreased tipping fees at the city landfill. The property has been problematic for both Neighborhood Services and the Lawton Police Department. There have been no utilities since April 2001

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Patton, to approve **Resolution No. 05-37** and declare the structure at 911 SW F Avenue to be dilapidated and a public nuisance. AYE: Shoemate, Devine, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

907 NW Gore Boulevard: Laycock presented photographs of the property. She stated the owners attorney, Mr. David Hammons, has requested a continuance because he is unable to attend the City Council meeting. There have been no utilities since September 2004.

PUBLIC HEARING OPENED.

Joe White, 1111 W. Willow, Duncan, OK, stated he was an associate of Mr. Hammons. He requested the items be moved to another date so that Jim Frieda and/or David Hammons could attend and present arguments. He stated there is currently a contract on the property.

Daisy Christian, Duncan, OK, stated she was the realtor for Mr. Pilgrim, the property owner. She confirmed that the property is currently under contract. She encouraged the City Council to table the issue so that Mr. Pilgrim could close on the property.

Vincent said that biggest problem with a continuance is that the property is open and they have been unsuccessful in getting the owner to secure the property.

Christian said she has been showing the property and it is padlocked.

White said the property owner did have the water turned on between July and September of 2004.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Devine, to table for 30 days. AYE: Devine, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

2501 SW A Avenue: Laycock presented photographs of the property and reported Neighborhood Services has received numerous complaints on this property. The main structure is not sound and the foundation is cracked and shifted. All structures on the property are unsecure and filled with junk and debris. No utilities since August of 2004 and the owner has received 16 tickets for junk and debris since 1997.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Shoemate, to approve **Resolution No. 05-38** and declare the structure at 2501 SW A Avenue to be dilapidated and a public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Devine. NAY: None. MOTION CARRIED.

2402 SW Cornell Avenue: Laycock presented photographs of the property and said the property had fire damage in 2002. Neighborhood Services has abated the property on two separate occasions for tall grass and weeds. The owner was notified in October 2003 of the requirement to bring the structure up to code and no action has been taken. No utilities since April 2001.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Shoemate, to approve **Resolution No. 05-39** and declare the structure at 2402 SW Cornell Avenue to be dilapidated and a public nuisance. AYE: Shoemate, Devine, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

401 SW Summit: Laycock presented photographs of the property and stated this has been an ongoing case in Neighborhood Services since March 2004. They had to abate the property in December 2004 for junk and debris. No utilities since September 2004.

PUBLIC HEARING OPENED.

Wayne Smith said he recently became the owner of the property in the last two months. He stated that within the last month he has cleaned out and started to remodel the property.

Haywood questioned if he purchased a remodeling permit.

Smith stated he only has estimates for roof repair and water damage. He will obtain a permit before the work begins.

Shanklin questioned how many truck loads it took to haul off all the trash from the property.

Smith said they had four big dumpsters. He said that last week he paid the lien against the property for mowing in the amount of \$510.80. He also paid the property taxes.

Haywood questioned how long it would take to fix up the property.

Smith said approximately six months. There is a lot of water damage inside.

Vincent stated that if the City Council declares the property dilapidated, under the resolution the property owner has thirty days to get a remodel permit or a demolition permit. With a remodel permit it is graduated to get it completed within 90 days. The City Council can grant a 90-day extension if the owner can show a substantial improvement to the property.

Mitchell stated that this option would cover the six months requested by Mr. Smith.

Warren stated it gives the City Council the ability to handle this issue tonight and also have the option to move forward with the demolition if Mr. Smith does not fulfill his promise of remodeling the property.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Shoemate, to approve **Resolution No. 05-40** and declare the structure at 401 SW Summit to be dilapidated and a public nuisance. AYE: Devine, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

4608 SW H Avenue: Laycock presented photographs and said the property had fire damage in 2001. Neighborhood Services secured the property in August 2001 and abated the property for tall grass and weeds on two separate occasions. No utilities since February 2001.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shoemate, SECOND by Haywood, to approve **Resolution No. 05-41** and declare the structure at 4608 SW H Avenue to be dilapidated and a public nuisance. AYE: Devine, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

24-26 NW 24<sup>th</sup> Street: Laycock presented photographs and said the property was declared dilapidated by City Council in May 2004, but the appropriate mortgage holders were not notified.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Devine, SECOND by Shoemate, to approve **Resolution No. 05-42** and declare the structure at 24-26 NW 24<sup>th</sup> Street to be dilapidated and a public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Devine. NAY: None. MOTION CARRIED.

2012 SW McKinley Avenue: Laycock presented photographs and said the property has been used for storage. The owner was notified in April 2003 of the requirements to bring the structure up to code, but no action was taken. No utilities since June 1984.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Devine, to approve **Resolution No. 05-43** and declare the structure at 2012 SW McKinley Avenue to be dilapidated and a public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Devine. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Patton questioned what it takes to get a traffic count.

Mitchell said he just needs to make the request.

Haywood said on March 17<sup>th</sup> at 11:00 a.m. the Lawton View Neighborhood Association, Weed and Seed and the Lawton Housing Authority will be cleaning up the neighborhood. He encouraged everyone to come out and help with cleaning up vacant fields and residential yards.

Vincent stated he will be on vacation the week of March 14-18, 2005.

Warren presented a gift to Brenda Smith in expression of gratitude from the City Council.

There being no further business to consider, the meeting adjourned at 7:15 p.m. upon motion, second and roll call vote.

RANDY WARREN, MAYOR PRO TEM

ATTEST:

TRACI HUSHBECK, CITY CLERK